

REMARKS

Claim 1 has been amended to further clarify the subject matter regarded as the invention. In the Final Office Action, the Examiner withdrew the rejection of claims under 35 U.S.C. §112. However, the Examiner has maintained the rejection of claims 1, 3, 4, 6-8, 10-14, 16, 17, 20, 23 and 24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,996,022 (*Krueger et al.*) in view of U.S. Patent No. 6,085,199 (*Rose*).

In making this rejection, the Examiner has made the assertion that transcoding audio files in response to a request made by a user/client, as taught by *Krueger et al.*, teaches a plurality of themes associated with various audio fields in the context of the claimed invention. (Final Office Action, page 2) It is noted that *Krueger et al.* states that transcoding may include changing the audio file type, compressing the audio file, reducing the number of audio channels, or reducing the sampling rate of data. (*Krueger et al.*, Abstract). Hence, *Krueger et al.* teaches that an audio file can be converted to a different format or changed in one way or another. However, it is respectfully that the transcoding process of *Krueger et al.* does not teach a set of audio events associated with themes. It should also be noted that the first theme is arranged to permit the emulation of the audio events of the first platform. However, a request for an audio file and transcoding the audio file cannot reasonably teach associating platform dependent themes with audio events. Accordingly, contrary to the Examiner's assertion, *Krueger et al.* does not teach a set of entries, wherein at least one entry is associated with the audio event and a first theme, the first theme including a first set of platform dependent audio fields, each platform dependent audio field associated with at least one audio event.

Furthermore, it is respectfully submitted that the "on-the-fly" conversion methodology taught by *Rose* does not teach a set of audio events with associated themes in the context of the invention. *Rose* teaches that when one of a plurality of (virtual) files is opened, the file system reads data from the single native file and converts the format on the fly to the destination format. (*Rose*, Abstract). The file can be an audio file (e.g., .wav file). For example, a file system could contain a single audio file called "soundbyte.wav." The directory listing, however, would present as if there were four sound files (soundbyte.wav, soundbyte.au, soundbyte.voc, soundbyte.raw)

(Rose, Col. 4, lines 45-60). Hence, *Rose* teaches that a single file can be represented as a plurality of files in various formats and then be converted on the fly to a desired format. This, however, does not teach an object representing or being represented by of a set of audio events associated with themes. Accordingly, it is respectfully submitted that claim 1 and its dependent claims are patentable over *Krueger et al.* and *Rose* taken alone or in any proper combination.


Independent claim 12 pertains to a computer-implemented method of accessing, by an audio computer service, a platform dependent audio field associated with an audio event from a first platform. Claim 12, among other things, recites importing a theme corresponding to the platform dependent audio function including at least one platform dependent audio field associated with the platform dependent audio functions; and referencing the platform dependent audio field corresponding to the platform dependent audio function. In view of the discussion above, it is respectfully submitted that these features are not taught by *Krueger et al.* or *Rose*. Thus, claim 12 and its dependent claims are also patentable at least for these reasons. Furthermore, independent claims 22 and 24 are also patentable because they recite similar features.

Based on the foregoing, it is submitted that claims 1-22 and 24 are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited art. Accordingly, it is respectfully requested that the Examiner withdraw all the rejections.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
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